

## **REMARKS**

### 1. Present Status of Patent Application

Reconsideration and allowance of the application and presently pending claims are respectfully requested. Claims 1, 9, and 15 have been amended and claims 1-23 remain pending with submission of this response.

### 2. Summary of Substance of Telephone Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Strange spent with Applicant's Representative, Mr. Charles W. Griggers, during a telephone discussion on October 2, 2008 regarding the outstanding Office Action. During the discussion, proposed amendments were discussed regarding the outstanding § 102 rejection (which are contained herein). The Examiner indicated that the amendments were potentially beneficial. Accordingly, Applicant respectfully requests the Examiner to consider the contents of present response.

### 3. Response to Rejection of Claims under 35 U.S.C. §101

Claims 9-14 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Office Action states that claims 9-14 contain no elements limited to hardware. In response, the specification describes that a workstation includes a processor, network interface memory, a local storage device, *etc.* which are hardware components that may, as an example, be structures disclosed to perform the functions recited in the claims. See page 5. Further, 35 U.S.C. § 112, sixth paragraph, states that a claim using "means for" language "shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." Accordingly, claims 9-14 should be construed to cover the corresponding structures disclosed in the specification. For at least these reasons, withdrawal of the rejection is respectfully requested.

4. Response to Rejection of Claims under 35 U.S.C. §102

Claims 1-4, 7, 9-12, 15-18, 21, and 23 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by *spamXpress* (“anti-spam Rules/Filters for Outlook Express”).

a. Claim 1

As provided in independent claim 1, Applicant claims:

a computer device of the user configured with a plurality of detection mechanisms that detect undesired email messages that have been received by the user from an email server; and

***a user interface installed on the computer device and configured to visually represent that a particular undesired email message was detected using a particular detection mechanism, wherein each of the detection mechanisms is represented using a different visual representation and the user interface upon detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms.***

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *spamXpress* does not disclose, teach, or suggest at least “a user interface installed on the computer device and configured to visually represent that a particular undesired email message was detected using a particular detection mechanism, wherein each of the detection mechanisms is represented using a different visual representation and the user interface upon detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms,” as emphasized above.

The *spamXpress* reference describes an anti-spam filter system which uses “[c]olor highlights to distinguish which Mail Rule caught the spam.” The *spamXpress* reference does not disclose an operation of prompting an email message to be marked

as a type of undesired email message associated with a detection mechanism when the message is moved to a designated folder. For example, *spamXpress* discloses that spam is stored in a Deleted Items folder along with other items that are unrelated to spam. As such, *spamXpress* fails to teach or suggest at least “a user interface installed on the computer device and configured to visually represent that a particular undesired email message was detected using a particular detection mechanism, wherein each of the detection mechanisms is represented using a different visual representation and the user interface upon detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms,” as recited in claim 1.

Therefore, *spamXpress* does not teach or suggest at least all of the claimed features of claim 1. For at least this reason, the rejection of claim 1 should be withdrawn.

b. Claims 2-4 and 7

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 2-4 and 7 depend from and include the features of claim 1 and recite additional features, claims 2-4 and 7 are allowable as a matter of law over the cited art of record.

c. Claim 9

As provided in independent claim 9, Applicant claims:

A system for providing email service, comprising:

means for providing a plurality of detection mechanisms that detect undesired email messages at a user's computing device that receives the email messages from an email server;

means for designating an email message as being undesirable according to a particular detection scheme;

***means for marking the email message at the user's computing device with a particular identifier of the particular detection scheme;***  
***and***

***means for displaying the email message at the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation and the user's computing device upon detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms.***

(Emphasis added).

Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *spamXpress* does not disclose, teach, or suggest at least “means for marking the email message at the user's computing device with a particular identifier of the particular detection scheme; and means for displaying the email message at the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation and the user's computing device upon detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms,” as emphasized above.

The *spamXpress* reference describes an anti-spam filter system which uses “[c]olor highlights to distinguish which Mail Rule caught the spam.” The *spamXpress* reference does not disclose an operation of prompting an email message to be marked as a type of undesired email message associated with a detection mechanism when the message is moved to a designated folder. For example, *spamXpress* discloses that spam is stored in a Deleted Items folder along with other items that are unrelated to spam. As such, *spamXpress* fails to teach or suggest at least “means for marking the email message at the user's computing device with a particular identifier of the particular detection scheme; and means for displaying the email message at the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is

represented using a different visual representation and the user's computing device upon detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored prompts for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms," as recited in claim 9.

Therefore, *spamXpress* does not teach or suggest at least all of the claimed features of claim 9. For at least this reason, the rejection of claim 9 should be withdrawn.

c. Claims 10-12

For at least the reasons given above, claim 9 is allowable over the cited art of record. Since claims 10-12 depend from and include the features of claim 9 and recite additional features, claims 10-12 are allowable as a matter of law over the cited art of record.

d. Claim 15

As provided in independent claim 15, Applicant claims:

A method for providing email service, comprising:

providing a plurality of detection approaches for detecting providing a plurality of detection approaches for detecting undesired email messages at a user's computing device that receives the email messages from an email server;

designating an email message as being undesirable according to a particular detection scheme;

marking the email message at the user's computing device with a particular identifier of the particular detection scheme;

displaying the email message at the user's computing device with the particular identifier in a particular visual manner that is associated with the particular identifier, wherein each of the detection mechanisms is represented using a different visual representation;

***detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored; and***

***in response to detecting the drag and drop operation, prompting for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms.***

(Emphasis added).

Applicant respectfully submits that independent claim 15 is allowable for at least the reason that *spamXpress* does not disclose, teach, or suggest at least “detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored; and in response to detecting the drag and drop operation, prompting for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms,” as emphasized above.

The *spamXpress* reference describes an anti-spam filter system which uses “[c]olor highlights to distinguish which Mail Rule caught the spam.” The *spamXpress* reference does not disclose an operation of prompting an email message to be marked as a type of undesired email message associated with a detection mechanism when the message is moved to a designated folder. For example, *spamXpress* discloses that spam is stored in a Deleted Items folder along with other items that are unrelated to spam. As such, *spamXpress* fails to teach or suggest at least “detecting a drag and drop operation to move an email message from an inbox to a designated folder where the undesired email messages are stored; and in response to detecting the drag and drop operation, prompting for the moved email message to be marked as a type of undesired email message that is associated with one of the detection mechanisms,” as recited in claim 15.

Therefore, *spamXpress* does not teach or suggest at least all of the claimed features of claim 15. For at least this reason, the rejection of claim 15 should be withdrawn.

e. Claims 16-18, 21, and 23

For at least the reasons given above, claim 15 is allowable over the cited art of record. Since claims 16-18, 21, and 23 depend from and include the features of claim 15 and recite additional features, claims 16-18, 21, and 23 are allowable as a matter of law over the cited art of record.

5. Response to Rejection of Claims under 35 U.S.C. §103

Claims 5-6, 13-14, and 19-20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *spamXpress* in view of *Rothwell* (U.S. Patent No. 6,769,016). Claims 8 and 22 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *spamXpress* in view of *Paul* (U.S. Patent No. 5,999,932).

For at least the reasons given above, independent claims 1, 9, and 15 are allowable over *spamXpress*. Further, *Rothwell* and *Paul* do not remedy the deficiencies of *spamXpress* with respect to the independent claims. Since claims 5-6, 8, 13-14, 19-20, and 22 depend from and include the features of the independent claims and recite additional features, claims 5-6, 8, 13-14, 19-20, and 22 are allowable as a matter of law over the cited art of record.

### **CONCLUSION**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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